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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROBERT M. CONGDON
and WEI-LEE H. JAMROG

Appeal 2009-006632
Application 10/678,400
Technology Center 2400

Decided: May 27, 2010

Before KENNETH W. HAIRSTON, JOHN C. MARTIN,
and THOMAS S. HAHN, *Administrative Patent Judges*.

HAIRSTON, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants seek our review under 35 U.S.C. § 134(a) of the Examiner's final rejection of claims 1 to 14. We have jurisdiction under 35 U.S.C. § 6(b).

We will sustain the rejection.

Appellants' disclosed and claimed invention relates to a mail server cell in a collaborative messaging system and a collaborative messaging application including an Internet Message Access Protocol (IMAP) compliant mail server and a data store configured to store electronic mail messages processed by the IMAP compliant mail server (Abstract; claims 1 and 9). Appellants disclose and claim an IMAP compliant mail server that is coupled to a logical grouping of application server nodes (claim 1).

Claim 1 is representative of the claimed invention, and reads as follows (with emphasis on the argued portion of the claim):

1. In a collaborative messaging system, a mail server cell comprising:

a logical grouping of application server nodes disposed and executing within an application server;

an Internet Message Access Protocol (IMAP) compliant mail server executing in a computer and coupled to said logical grouping of application server nodes; and,

at least one data store configured for storing electronic mail messages processed in said IMAP compliant mail server.

(Claim 1 (emphases added)).

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

DeAnna

US 6,947,943 B2

Sep. 20, 2005
(filed Oct. 11, 2002)

The Examiner rejected claims 1 to 14 under 35 U.S.C. § 102(e) based upon the teachings of DeAnna.

In establishing a prima facie case of anticipation under § 102(e), the Examiner relies upon DeAnna (col. 3, l. 64 to col. 4, l. 7; col. 5, ll. 46 to 60; and col. 7, ll. 7 to 35) as teaching a logical grouping of application server nodes (i.e., Timer 171, ReceiverMBD 172, and Mailprocessor 174 applications running on ZDF server 50) (Ans. 3). The Examiner determines (Ans. 7) that DeAnna discloses a plurality of applications 171 to 184 which operate on the ZDF server 50, and that these applications are interpreted to be “application server nodes.” The Examiner also interprets applications 171, 172, and 174 as reading on the recitation in claim 1 of “a logical grouping of application server nodes” (Ans. 7, 8).

FINDINGS OF FACT (FF)

1. Appellants disclose the following about the invention:

In the collaborative messaging system, a mail server cell can include a logical grouping of application server nodes disposed within the application server. An IMAP compliant mail server can be coupled to the logical grouping of application server nodes.

(Spec. 5:16-19).

2. Appellants describe Figure 1 as follows:

Figure 1 is a block diagram of an application server 100 hosting an IMAP server 145 disposed within a collaborative messaging application 130 in accordance with the present invention. The application server 100 can include an enterprise bean container 115 in which enterprise beans can be disposed for use by client processes both internal and external to the application server 100. In this way, the application server 100 can support the deployment of business logic in a highly scalable, n-tier enterprise application.

(Spec. 9:11-17).

3. DeAnna describes a collaborative messaging system (Figure 4 and accompanying text) including a grouping of session beans or applications including timer 171, receiverMDB 172, and mailprocessorMDB 174 (col. 15, l. 4 to col. 16, l. 28). The session beans or applications are all located and executed within a ZDF server 50 (col. 15, ll. 4-14).

4. DeAnna describes Figure 4 as follows:

The illustrative diagram of FIG. 4 shows major components of the system and illustrates the most common interactions between them, some in a modified/alternative embodiment. These are implemented within the ZDF server 50, communicating with clients via a workflow API [application programming interface] 185, and enterprise systems such as mail server 10, and applications 7 or 8.

(Col. 15, ll. 4-10). DeAnna goes on to describe the major components from column 15, line 13 to column 16, line 54 *et seq.* IMAP server 10 shown in Figure 4 operates in conjunction with mailreceiver 173 and

mailsender 175 to provide an IMAP compliant mail server and functionality (col. 15, ll. 43-54 and col. 16, ll. 29-48).

ISSUE

With regard to the anticipation rejection of independent claim 1, Appellants argue, *inter alia* (App. Br. 4-7; Reply Br. 1-2), that DeAnna fails to teach (i) a “logical grouping of application server nodes” that are both “disposed” and “executing” within an application server, and (ii) *coupling* of an IMAP mail server to the logical grouping of application server nodes (Appellants admit (App. Br. 6) that DeAnna’s “column 15, lines 43 to 54 provides a teaching direct[ed] generally to an IMAP mail server” and dispute the asserted coupling, contending that no logical grouping of application server nodes is present in DeAnna).

Appellants specifically argue with respect to claim 1 that the Examiner has improperly construed the term “application server node disposed and executing within an application server” to mean “applications operating on a server” (Reply Br. 2). Appellants contend (Reply Br. 2-4) that the term “application server” is well known in the art, and that in accordance with (i) definitions from extrinsic evidence such as Wikipedia, and (ii) intrinsic evidence such as the description at paragraphs 11 (Spec. 5) and 22 (Spec. 9) of Appellants’ Specification, the Examiner’s claim construction of “application” to mean “application server node” is broader than reasonable and not consistent with the Specification.

Appellants state in the Brief that “claims 2 through 8 and 10 through 14 stand or fall together with independent claims 1 and 9, respectively” (App. Br. 4). Appellants only present arguments with respect to independent

claim 1, and do not contest the rejection of claim 9 or any of the dependent claims (*see* App. Br. 4-7; Reply Br. 1-4). Accordingly, claims 2 through 14 will stand or fall with claim 1.

Based on Appellants' arguments, the following anticipation issue is presented: Does DeAnna teach "a logical grouping of application server nodes disposed and executing within an application server," as set forth in independent claim 1?

PRINCIPLES OF LAW

Claim Construction

"During examination, 'claims . . . are to be given their broadest reasonable interpretation consistent with the specification, and . . . claim language should be read in light of the specification as it would be interpreted by one of ordinary skill in the art.'" *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004) (citation omitted); *In re Morris*, 127 F.3d 1048, 1053-54 (Fed. Cir. 1997). "[T]he specification 'is always highly relevant to the claim construction analysis. Usually, it is dispositive; it is the single best guide to the meaning of a disputed term.'" *Phillips v. AWH Corp.*, 415 F.3d 1303, 1315 (Fed. Cir. 2005) (citation omitted).

Anticipation

Anticipation is established when a single prior art reference discloses, expressly or under the principles of inherency, each and every limitation of the claimed invention. *Atlas Powder Co. v. IRECO, Inc.*, 190 F.3d 1342, 1347 (Fed. Cir. 1999); *In re Paulsen*, 30 F.3d 1475, 1478-79 (Fed. Cir. 1994). "Under the principles of inherency, if the prior art necessarily functions in accordance with, or includes, the claimed limitations, it

anticipates.’” *In re Cruciferous Sprout Litig.*, 301 F.3d 1343, 1349 (Fed. Cir. 2002).

ANALYSIS

We will sustain the Examiner’s rejection with respect to independent claim 1 for the reasons that follow. Claim 1 essentially requires a plurality of “application server nodes” in an application server that are connected to an IMAP compliant mail server.

DeAnna describes an IMAP compliant mail server 10, working in conjunction with a mail sender application 175 and a mail receiver application 173, which is coupled to a logical grouping of elements such as timer 171, receiverMBD 172, and mailprocessorMDB 174 (FF 3, 4; *see* Fig. 4; col. 15, l. 12 to col. 16, l. 54). DeAnna describes that all of these major components shown in Figure 4 are “implemented within the ZDF server 50” (FF 4; *see* col. 15, l. 8), and “communicat[e] with clients via a workflow API 185, and enterprise systems such as mail server 10” (FF 4; *see* col. 15, ll. 8-10).

In light of the foregoing findings with respect to DeAnna provided *supra*, we find that DeAnna teaches an IMAP compliant mail server coupled to a logical grouping of elements which are located on an application server. Thus, the only issue remaining is whether or not DeAnna’s elements 171, 172, and 174 are “application server nodes” as that term is defined or limited by the originally filed Specification and claims.

Claim 1 merely requires a plurality of “application server nodes” (*see* claim 1). The broadest reasonable interpretation of the phrase “application server node” indicates that points in a network topology or links/interface

points such as 171, 172, and 174 shown in DeAnna's Figure 4 function as recited in the claims (e.g., being disposed and executing within an application server such as ZDF server 50) and would be encompassed by the language of the claims. *See Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d at 1364.

Although we agree with Appellants' contention (Reply Br. 4) that the use of the term "application server node" in claim 1 is consistent with paragraph 11 of the Specification (*see* FF 1), we determine that this does not *preclude* the Examiner's interpretation of DeAnna's application operating on a server as also being consistent with this term. In other words, Appellants' originally filed claims and Specification, specifically at pages 5 (FF 1) and 9 (FF 2) cited by Appellants in the Reply Brief (*see* Reply Br. 3-4 citing paragraphs 11 and 22), do not limit or otherwise define the term "application server nodes" such that claim 1 does *not* encompass DeAnna's application server (e.g., ZDF server 50), IMAP compliant mail server (element 10, 173, and 175 in Fig. 4), and logical grouping of applications (171, 172, and 174).

A proper interpretation of claim 1, giving this claim its broadest reasonable interpretation consistent with the Specification as understood by one of ordinary skill in the art (*Phillips*, 415 F.3d at 1315) must be construed to be consistent with any definition provided in the originally filed Specification. The Specification (Spec. 5:16-19, 9:11-17; *see* FF 1, 2), however, does not provide any definition for "application server nodes." In fact, the Specification at page 9 *supports* the Examiner's position, considering that (i) the Specification describes an application server 100 that has enterprise beans disposed thereon (*see* Spec. 9:13-15), and (ii) DeAnna also has session beans or applications such as timer 171, receiverMDB 172

(message driven bean), and mailprocessorMDB 174 (message driven bean) (FF 3; *see* col. 15, ll. 16, 37, and 55).

Because (i) DeAnna teaches an IMAP compliant mail server coupled to a plurality of applications or session beans disposed in and operating on a ZDF server, and (ii) one of ordinary skill in the art would understand that an application or session bean (e.g., applications 171, 172, and 174) operating on an application server (e.g., ZDF server 50) can be considered an *application server node*, DeAnna necessarily functions in accordance with, or includes, the claimed limitation of “a logical grouping of application server nodes” in an “application server.” Appellants’ originally filed Specification and claims do not preclude such a broad, but reasonable, interpretation of the term “application server nodes.”

In view of the foregoing, Appellants’ arguments (App. Br. 4-7; Reply Br. 1-4) that DeAnna fails to teach the limitation of claim 1 of “a logical grouping of application server nodes disposed and executing within an application server” are unpersuasive. Likewise, Appellants’ arguments (App. Br. 6) that DeAnna fails to teach an IMAP server coupled to a logical grouping of application server nodes are also unpersuasive. Therefore, DeAnna anticipates the claimed invention. *Cruciferous Sprout Litig.*, 301 F.3d at 1349; *Atlas Powder Co.*, 190 F.3d at 1347.

For all of the above reasons, Appellants’ arguments have not persuaded us of error in the Examiner’s rejection of claim 1 under 35 U.S.C. § 102(e) as being anticipated by DeAnna. Accordingly, we sustain the rejection of claim 1 as well as independent claim 9, which was not argued, and dependent claims 2 to 8 and 10 to 14, which were also not argued

separately and fall together with their respective independent claims. *See* 37 C.F.R. § 41.37(c)(1)(vii).

CONCLUSION

DeAnna teaches “a logical grouping of application server nodes disposed and executing within an application server,” as set forth in independent claim 1. Accordingly, we conclude that the Examiner did not reversibly err in rejecting claims 1 to 14 under 35 U.S.C. § 102(e) as being anticipated by DeAnna.

ORDER

The decision of the Examiner rejecting claims 1 to 14 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

KIS

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